

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JANE DOE,)	
)	
Plaintiff,)	
)	Civil Action No. 3: 2023-cv-00477
v.)	
)	
WILLIAMS BOWERS MANAGEMENT,)	JUDGE CAMPBELL
LLC D/B/A WIDE OPEN MUSIC, ASH)	MAGISTRATE JUDGE CHIP FRENSLEY
BOWERS, JIMMIE ALLEN, and)	
JOHN DOES 1-100,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION TO DISMISS
DEFENDANT JIMMIE ALLEN’S COUNTERCLAIM**

Pursuant to Federal Rules of Civil Procedure 12(b)(6), Plaintiff Jane Doe respectfully moves the Court for an order dismissing with prejudice the Counterclaim filed by Defendant Jimmie Allen (“Allen”). In support of her Motion, Plaintiff states as follows:

First, all counts in the Counterclaim must be dismissed because Plaintiff’s and her counsel’s statements to the media are related to the subject matter of the lawsuit and thus protected by the absolute litigation privilege.

In the alternative, the Counterclaim should be dismissed under the Tennessee Public Participation Act (“TPPA”), Tenn. Code Ann. § 20-17-102, because (1) Plaintiff’s statements constitute free speech as sexual assault is a matter of public concern and Allen is a public figure, and (2) Allen cannot establish a *prima facie* case of the elements of his state law claims.

WHEREFORE, for the reasons more fully set forth in the accompanying Memorandum in Support of Motion to Dismiss, Plaintiff respectfully requests the Court grant her Motion to Dismiss Defendant Allen’s counterclaims against her with prejudice and grant such other and further relief

as this Court deems appropriate. Should the Court dismiss the counterclaims pursuant to the TPPA, Plaintiff requests “court costs, reasonable attorney’s fees, discretionary costs, and other expenses incurred in filing and prevailing upon the petition.” Tenn. Code Ann. § 20-17-107(a)(1),(2).

Dated: August 18, 2023

JANE DOE, Plaintiff

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2023, a copy of the foregoing Plaintiff's Motion to Dismiss Defendant Jimmie Allen's Counterclaim was filed electronically with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to counsel of record; and copies were furnished by U.S. Mail to counsel who were not provided a copy by the CM/ECF system:

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